

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Claims 17 and 18 have been amended so as to indicate that the hollow metal external part is a non-open slotted metal part. This amendment has been made in response to the examiner's art rejections set forth in paragraphs four and five of his office action and his response to Applicant's previous arguments as set forth in paragraph 6 of the office action. It is respectfully submitted that the claims as pending now define over the art of record.

Independent claims 17 and 18 are drawn to a process for production of a reinforced formed part comprising an external form part which is non-open slotted. The process is limited to (1) a prepreg which is foamed in the external formed part and a foam material and blowing agent which is foamed in the external formed part. Thus, independent claims 17 and 18 are drawn to the species where the foam material is made in situ in the metal external formed non-open slotted part. It is critical to the process of the present invention as claimed in independent claims 17 and 18 that the metal external formed part be non-open slotted. If there were an open slot in the external part, the foam material would leak through the slot during the foaming operation which would be highly undesirable and result in a part which is not acceptable. As previously noted in Applicant's paper dated January 5, 2004, the cited Allen reference on column 4 lines 52-62 specifically sets forth a slotted tube. Such a slotted tube cannot be used in the process of the present invention and, accordingly, as previously argued the rejection based on Allen et al. is without merit. The new rejection set forth in paragraph 5 of the examiner's current office action is

likewise defective. In this regard the examiner's attention is again drawn to Applicant's paper filed January 4, 2005 and particularly the paragraph bridging Pages 6 and 7 of same. Initially, it should be noted that the Fiedler et al. patent teaches a process wherein he is only able to foam in a molten state. This is quite different from the powder foaming process claimed in independent claim 18. Furthermore, there is no suggestion in the Fiedler et al. patent as to how to use a precursor material in a closed hollow tube. Accordingly, the process disclosed in Fiedler is quite different from that claimed in independent claim 18. The secondary reference to Niebylski et al. does not cure the deficiencies noted above with regard to Fiedler et al. The Niebylski et al. patent only teaches how to make sandwiched materials by laminating layers onto foam. There is absolutely no teaching at all as to how to form a foam in a hollow body. Accordingly, the Niebylski et al. patent can not be said to overcome the deficiencies noted above with regard to Fiedler et al. Accordingly, it is respectfully submitted that claim 18 and the claims which depend therefrom patentably define over the combination of Fiedler et al. taken with Niebylski et al. under 35 U.S.C. 103.

With regard to the examiner's rejection of the claims under 35 U.S.C. 112, first paragraph, it is submitted that the examiner's position is without merit. It is clear from the drawings of the instant disclosure that the external formed part does not have a through slot. It is also clear from the papers as filed that one of the specific embodiments of the process of the present invention is foaming in situ within the external formed part either with a prepreg or with a foamable combination of materials. It is also clear to one of ordinary skill in the art that one could not foam in situ the desired product in

accordance with the process of the present invention if the external foamed part was open slotted as shown in Allen et al. Accordingly, it is submitted that the specification as originally filed supports the now claimed phrase non-open slotted for the external formed part. Accordingly, it is submitted that the examiner's rejection under 35 U.S.C. 112, first paragraph is improper and should be withdrawn.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,
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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 26, 2006.

